

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

In re: Rogerena Higgs)
)
) Case No. 16-30274-KLP
)
)
 Debtor(s)) Chapter 7
)
 Address P.O. Box 6164)
 Richmond, VA 23222)
)
 Last four digits of Social Security No(s): 6217)
)
)

NOTICE OF MOTION (OR OBJECTION)

Rogerena Higgs has filed papers with the court to Redeem Personal Property.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the motion (or objection), or if you want the court to consider your views on the motion (or objection), then on or before April 26, 2016, you or your attorney must:

X File with the court, at the address shown below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

Clerk of Court
United States Bankruptcy Court
701 East Broad Street
Richmond, VA 23219

You must also mail a copy to:

America Law Group
8501 Mayland Dr., Ste 106
Henrico, VA 23294

- ☐ Attend a hearing to be scheduled at a later date. You will receive separate notice of hearing. **If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.**
- ☐ Attend the hearing on the motion (or objection) scheduled to be held on _____ at _____ . m. at United States Bankruptcy Court, 701 East Broad Street, Crtrm <5100/5000> Richmond, VA 23219.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: 4/12/2016

Signature, name, address, and telephone number of person giving notice:

/s/ Richard J. Oulton
Richard J. Oulton, Esq.
America Law Group, Inc.
8501 Mayland Dr., Ste 106
Henrico, VA 23294
Virginia State Bar No. 29640
Counsel for Rogerena Higgs

Certificate of Service

I hereby certify that I have this 12th day of April, 2016, mailed or hand-delivered a true copy of the foregoing Notice of Motion (or Objection) to the parties listed on the attached service list.

/s/ Richard J. Oulton
Richard J. Oulton, Esq.

U.S. Trustee
701 E. Broad St.
Suite 4304
Richmond, VA 23219

Bruce Matson
Chapter 7 Trustee
919 E Main St., 24th Floor
Richmond, VA 23219

Santander Consumer USA
P.O.Box 961245
Ft. Worth, TX 76161

Rogerena Higgs
P.O. Box 6164
Richmond, VA 23222

722 Redemption
169 Northland Blvd, Ste 2
Cincinnati, OH 45246

**U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In Re: : Case No. 16-30274-KLP

Debtor (s) Rogerena O. Higgs : Chapter 7 (Judge Keith Phillips)
Last 4 of SSN: 6217

Creditor (s) : **MOTION FOR AUTHORITY TO REDEEM**
Address Santander Consumer USA : **PERSONAL PROPERTY AND APPROVAL**
P.O.Box 961245 : **OF ASSOCIATED FINANCING AND**
Ft. Worth, TX 76161 : **ATTORNEY FEES UNDER 11 U.S.C. 722**

Now come (s) the Debtor (s) by and through counsel, and moves the court pursuant to 11 U.S.C. 722 and Bankruptcy Rule 6008 for a Redemption Order on the following grounds:

1. The item to be redeemed is tangible personal property intended primarily for personal, family or household use is more particularly described as follows:

Year 2008 Make Mitsubishi Model Galant

VIN # 4 A 3 A B 3 6 F 9 8 E 0 1 9 4 6 1

2. The interest of the Debtor (s) in such property is exempt or has been abandoned by the estate and the debt (which is secured by said property to the extent of the allowed secured claim of the Creditor) is a dischargeable consumer debt.
3. The allowed secured claim of said Creditor for purposes of redemption, the "redemption value", should be determined to be not more than \$2,104.00 as evidenced by the attached written appraisal.
4. Arrangements have been made by the Debtor (s) to pay to the said Creditor up to the aforesaid amount in a lump sum should this motion be granted.
5. The payment for this proposed redemption is to be financed through U.S. Bank N.A., with all of the particulars of that financing (interest rate, finance charge, amount financed, total of payments, amount of payments, etc.) set forth in full detail in the attachment(s) hereto. As demonstrated there, the monthly amount, term of the payments and the overall amount of the repayment will be decreased significantly through the proposed redemption. Moreover, the Debtor has agreed to borrow and disperse additional funds in the amount of \$0.00, from their loan with U.S. Bank N.A., for representation of the debtor(s) in securing for the benefit of the debtor(s) an order granting the debtor(s) the right to redeem under 11 U.S.C. 722 a certain motor vehicle, such compensation being in addition to that previously disclosed and being for services rendered beyond the scope of the legal services to have been rendered for such compensation heretofore disclosed.

WHEREFORE, the Debtor (s) request (s) the Court to order the said Creditor to accept from the Debtor (s) the lump sum payment of the redemption value and release their lien of record. In the event the said Creditor objects to this motion, the Debtor (s) requests the Court to determine the value of the property as of the time of the hearing on such objection.

/s/ Richard J. Oulton
Attorney for Debtor (s)

NOTICE

Notice is hereby given that unless an objection is made to this motion within 20 days following the date of service below, an order sustaining the motion may be granted by the Court.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing has been served upon: the Creditor's above noted, the U.S. Trustee, and the Chapter 7 Trustee by mailing a copy hereof by first class U.S. Mail on this 12th day of April, 2016.

/s/ Richard J. Oulton
Attorney for Debtor (s)

Copies To:

U.S. Trustee
701 E. Broad St.
Suite 4304
Richmond, VA 23219

Bruce Matson
Chapter 7 Trustee
919 E Main St., 24th Floor
Richmond, VA 23219

Santander Consumer USA
P.O.Box 961245
Ft. Worth, TX 76161

America Law Group, Inc.
8501 Mayland Dr. Ste 106
Henrico, VA 23294

Rogerena Higgs
P.O. Box 6164
Richmond, VA 23222

722 Redemption
169 Northland Blvd, Ste 2
Cincinnati, OH 45246

**U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA**

In Re: : Case No. 16-30274-KLP
Debtor (s) Rogerena Higgs : Chapter 7 (Judge Keith Phillips)

:
**ORDER GRANTING REDEMPTION AND
APPROVAL OF ASSOCIATED
FINANCING AND ATTORNEY FEES.**

:
Upon the motion of the Debtor (s) and there having been no responsive filing or objection within the time required, the Court finds as follows:

1. The tangible personal property described below is intended primarily for personal, family or household use of the debtor (s):

Year 2008 Make Mitsubishi Model Galant

VIN # 4 A 3 A B 3 6 F 9 8 E 0 1 9 4 6 1

2. The debt owing the Creditor is a dischargeable consumer debt and the Debtor (s) interest in such property is exempt or has been abandoned by the estate.
3. The value of the secured claim of the Creditor for redemption purposes, the “redemption amount” is \$2,104.00.

IT HEREBY ORDERED,

1. That the Debtor (s) may redeem the subject property by paying to the Creditor on or before the thirtieth (30th) day following entry of this Order the redemption amount.
2. Reasonable attorney fees and financing are approved under the terms and conditions set forth herein.
3. Upon timely receipt of such payment, the Creditor is ordered to cancel its lien of record and surrender the certificate of title in accord with the Debtor instruction.
4. In the event of the failure of the Creditor to so cancel its lien within three (3) days after payment of the aforesaid lump sum pursuant to the entry of this Order, then this Order shall serve as an authorization for the said lien to be canceled, and it is Ordered that the applicable County Clerk’s Office shall cancel same of record.
5. In the event of the failure of the Debtor (s) to pay the redemption amount within such time frame, the automatic stay shall immediately terminate.

SO ORDERED this _____ day of _____, 20 .

Bankruptcy Judge

Copies to:

U.S. Trustee
701 E. Broad St.
Suite 4304
Richmond, VA 23219

Bruce Matson
Chapter 7 Trustee
919 E Main St., 24th Floor
Richmond, VA 23219

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